



VIA ELECTRONIC FILING

January 13, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation FCC File No. SAT-MOD-20101118-00239; IB
Docket No. 11-109**

Dear Ms. Dortch:

Attached is a letter we have sent to Administrator Strickling of the NTIA regarding today's statement by the PNT ExComm. We note that this statement was issued at the end of the day Friday and provided to the press, before any substantiation has been provided to NTIA, or any other party, by PNT ExComm. This manner of handling the testing process is, however, entirely consistent with the flawed process we have seen so far, marked by repeated (and so far uninvestigated) leaks of confidential information, and an utter lack of transparency.

Respectfully submitted,

Jeffrey Carlisle/s/
Executive Vice President
LightSquared Subsidiary LLC

Cc: IB-SATFO@fcc.gov



January 13, 2012

The Honorable Lawrence E. Strickling
Assistant Secretary for Communications and Information
National Telecommunications & Information Administration
United States Department of Commerce
1401 Constitution Ave., N.W.
Washington, DC 20230

Dear Assistant Secretary Strickling:

LightSquared submits this letter in order to provide the NTIA with its perspective on the testing that you requested of Position, Navigation and Timing Executive Committee (PNT EXCOMM) in September of 2011. PNT EXCOMM referred the matter to their PNT Systems Engineering Forum (NPEF). As you know, from the outset, LightSquared found serious anomalies in NPEF's test process. We hoped that NTIA would have taken control of the entire process and not just the testing of cellular devices in order to ensure that the testing of personal & general navigation devices (GNL) was carried out in a scientifically accurate, fair and unbiased manner. Unfortunately, that did not happen.

Now PNT EXCOMM has concluded its process and erroneously concluded that both general navigation and aviation devices would be impacted.

On September 9, 2011, you sent a letter to PNT EXCOMM requesting that it perform testing of several categories of devices in order to 1) confirm the results and methodology of the Technical Working Group (TWG) testing process and 2) further assess the performance of devices within these categories in an environment consistent with the manner that LightSquared has proposed to deploy its network; specifically in the use of the lower 10 MHz channel on a stand-alone basis.

PNT EXCOMM subsequently issued a tasking statement to NPEF to perform testing, which in turn delegated the actual testing process to Air Force Space Command. From the outset, the process established by PNT EXCOMM, NPEF and AFSC was fraught with inappropriate involvement of the GPS manufacturers, lax controls, obvious bias, lack of transparency, and unexplained delays. We now know that many of the worst performing devices in the test were manufactured years ago, in some cases over a decade; in some cases are testing modules that are not sold to the general public; and in others are niche devices that would rarely, if ever, come close enough to a LightSquared base station to suffer any kind of impact.

The result is a report that is being sent to NTIA -- over four full months after NTIA's request and representing just the first phase of testing -- that reaches dubious conclusions based on a highly

flawed testing and analytical process. Additionally, the testing process completely fails to address the fundamental request of NTIA: to validate the TWG test results. It is clear that, rather than approach this in a serious and impartial manner, NPEF instead intended to use this process from the outset as a means to harm LightSquared and benefit the GPS manufacturers with whom it has inappropriately aligned itself.

This is yet another example of the structural bias that exists within NPEF which is doing harm to LightSquared, its employees, customers and suppliers. As a result of this deeply flawed process, NPEF is prepared to recommend to PNT EXCOMM that it should block a new, competitive, and innovative broadband network that Sprint, Best Buy, Leap Wireless and almost 30 other companies have partnered with for the benefit of consumers and the economy in order to benefit a handful of discontinued, non-consumer, or niche devices, none of which were intended to be used, and will not be used, near LightSquared's planned base stations.

LightSquared has communicated its concerns repeatedly to PNT EXCOMM, NPEF and Air Force Space Command throughout this process, both verbally and in correspondence. All of these concerns have been seemingly disregarded. As you are aware, we have also corresponded with your office to make sure you were advised as the process unfolded.

LightSquared therefore requests that any assessment by the agencies of the NPEF/PNT EXCOMM test report properly account for these flaws and biases and correctly interpret them in the context of LightSquared's full mitigation proposal including:

- 1) operating on the lower 10 MHz channel; and
- 2) managing its network "power-on-the-ground" to levels not to exceed -30 dBm until January 2016 and -27 dBm thereafter

Furthermore, LightSquared hereby requests that NTIA immediately take charge of the planning and execution of the Phase 2 testing program so that it may be expeditiously carried out consistent with your initial request. Despite LightSquared's request to PNT EXCOMM that it immediately begin the planning and execution of the Phase 2 testing upon the completion of the Phase 1 testing in early November, that request has been ignored and no planning or authorization for Phase 2 testing has yet taken place. Moreover, PNT EXCOMM, on the basis of its erroneous results, is now stating it will not conduct further testing.

LightSquared on its own initiative engaged an outside independent laboratory to begin testing devices in the manner requested by NTIA. Initial test results have been provided to the FCC, to be followed in the next few days by a final report. These test results demonstrate conclusively that LightSquared's proposed mitigation solution works flawlessly for high precision devices.

LightSquared believes that these test results are more than sufficient for the federal government to conclude that the LightSquared mitigation proposal will allow for the coexistence of these two services going forward. To the extent that NTIA believes more testing is needed in order to conclude Phase 2, LightSquared proposes the following:

- 1) the NTIA designates the personnel necessary to oversee Phase 2 of the testing program;

- 2) the testing be based at the Alcatel Lucent facility leased by LightSquared for the previous testing, taking full advantage of Alcatel Lucent's expertise and familiarity attained through this phase as well as through the previous TWG testing;
- 3) the cost of hiring the ALU facility would be borne by LightSquared consistent with federal regulations regarding in-kind contribution of services; and
- 4) the process be commenced expeditiously with a thoroughly open and transparent process, including the prompt release of full test results to the general public.

LightSquared has attached the test plan developed collectively with ALU, independent GPS manufacturers and LightSquared that was the basis for the recent testing conducted at ALU. This test plan would form the foundation for the Phase 2 testing program, once the Agencies have had the opportunity to review and, if necessary, modify the test plan. LightSquared proposes the following timeline for Phase 2, should the agencies conclude further testing is necessary:

- 1) January 18 – Public notice announcing commencement of Phase 2 and inviting interested equipment manufacturers to provide properly enhanced devices for testing
- 2) January 31 – Finalization of Phase 2 test plan
- 3) February 1 – Commencement of laboratory/chamber setup
- 4) February 6 – Commencement of device testing
- 5) February 17 – Conclusion of device testing
- 6) February 29 – Completion of final test report

As a separate matter, LightSquared has worked diligently with FAA engineers over the course of the last year to fully address all requirements defined by the FAA. The FAA has recently introduced new elements that had not been presented previously. Strangely, even though the FAA has not actually defined all of these requirements, it unilaterally decided to suspend any further collaboration, which deprives LightSquared of the opportunity to fully address their pending issues. Nonetheless, LightSquared has repeatedly told FAA that it will accept all of the technical parameters it has presented for protection of safety-of-life systems. We have heard nothing in response. LightSquared believes the FAA has an obligation to resume participation in the good faith efforts that were productive at the beginning of this process in order to ensure that the LightSquared/GPS compatibility issues can be resolved to the satisfaction of the parties involved.

As it has been throughout this process, LightSquared remains committed to a fair, transparent and timely resolution of the issues at hand.

Sincerely,

Jeffrey Carlisle /s/

Jeffrey Carlisle
Executive Vice President
Regulatory Affairs & Public Policy